

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board
Docket No. 05-419

BOARD'S RULING ON APPEAL

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator
State Building Code Appeals Board
BBRS/Department of Public Safety
One Ashburton Place - Room 1301
Boston, MA 02108

A.Vernon Woodworth	
Appellant,)
)
v.)
)
Town of New Bedford and Ronald Durgin)
Appellees)

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 780 CMR, Section 1204.1 of the Massachusetts State Building Code ("MSBC") relative to ceiling height requirements for the property of 740-768 Purchase Street, New Bedford, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on May 22, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the Appellant was A. Vernon Woodworth of R.W. Sullivan, Inc. Mark Truran, the Architect of record was also present and testified. Present also was The Building Commissioner, Ronald A Durgin, representing the town of New Bedford Building Department.

Decision: Following testimony, and based upon relevant information provided, Board members voted as indicated below.

XXX..... **Granted** ☐ Denied ☐ Rendered Interpretation
☐ Granted with conditions (see below) ☐ Dismissed

The vote was:

XXX..... **Unanimous** ☐ ☐ Majority

A Motion was made by Keith Hoyle and seconded by Gary Moccia to grant to variance from 780 CMR Section 1204.1 which requires a minimum ceiling height dimension of seven feet six inches for the referenced space. The existing ceiling height varies from 6'-10"-7".

Reasons for Variance:

1. Testimony indicated that the project involved the renovation of an existing building which is fully sprinkelered and has fire alarms. Existing structural and new building systems caused limits to attainable vertical dimensions.
2. The Town of New Bedford Building Commissioner was present and testified that he did not have any objections to the granting of the variance.

The following members voted in the above manner

Robert Anderson (RS)
Chairman - Robert Anderson

Gary Moccia (RS)
Gary Moccia

Keith Hoyle (RS)
Keith Hoyle

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated:

July 31, 2007
Patricia Barry
Patricia Barry, Clerk

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.